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05 UNITED STATES DISTRICT COURT
06 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

07 UNITED STATES OF AMERICA,)
08 Plaintiff,) Case No. CR03-61-MJP
09 v.)
10 BRANDON REYNA,) SUMMARY REPORT OF U.S.
11 Defendant.) MAGISTRATE JUDGE AS TO
ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
12

13 An evidentiary hearing on a petition for violation of supervised release was held
14 before the undersigned Magistrate Judge on February 4, 2009. The United States was
15 represented by Assistant United States Attorney Michael Lang, and the defendant by Robert
16 Goldsmith. The proceedings were digitally recorded.

17 The defendant had been charged and convicted of Conspiracy to Distribute Marijuana,
18 in violation of 21 U.S.C. § 841(b)(1)(B). On or about August 22, 2003, defendant was
19 sentenced by the Honorable Marsha J. Pechman to a term of forty-two (42) months in
20 custody, to be followed by five (5) years of supervised release.

21 The conditions of supervised release included the requirements that the defendant
22 comply with all local, state, and federal laws, and with the standard conditions. Special
23 conditions imposed included, but were not limited to, participate in substance abuse and
24 mental health programs, financial disclosure, search, maintain single checking account,
25 business record disclosure, disclosure of assets and liabilities, no new credit, participation in
26 MRT.

01 In a Petition for Warrant or Summons dated January 27, 2009, U.S. Probation Officer
02 Brian K. Facklam asserted the following violations by defendant of the conditions of his
03 supervised release:


- 04 (1) Committing the law violation of Driving While License Suspended in
05 violation of the standard condition that he not violate another federal, state, or
06 local crime.
- 07 (2) Committing the law violation of operating a motor vehicle without ignition
08 interlock system in violation of the standard condition that he not violate
09 another federal, state, or local crime.

10 On January 28, 2009, defendant made his initial appearance. The defendant was
11 advised of the allegations and advised of his rights. On February 4, 2009, defendant
12 appeared for an evidentiary hearing on the alleged violations 1 and 2. Probation Officer
13 Brian Facklam testified. Exhibit 1 was received. Defendant was found to have committed
14 the violations using a preponderance of the evidence standard.

15 I therefore recommend that the Court find the defendant to have violated the terms
16 and conditions of his supervised release as to violations numbers 1 and 2, and that the Court
17 conduct a hearing limited to disposition. A disposition hearing on these violations has been
18 set before the Honorable Marsha J. Pechman on February 20, 2009 at 3:15 p.m.

19 Pending a final determination by the Court, the defendant has been released, subject
20 to supervision.

21 DATED this 4th day of February, 2009.

22 
23 JAMES P. DONOHUE
24 United States Magistrate Judge
25
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cc: District Judge: Honorable Marsha J. Pechman
AUSA: Mr. Michael Lang
Defendant's attorney: Mr. Robert Goldsmith
Probation officer: Mr. Brian K. Facklam